

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2113.04
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: April 1, 2004
DATE OF REPORT: April 30, 2004
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: May 25, 2004

COMPLAINT ISSUES:

Whether the Kokomo-Center Township Consolidated School Corporation and the Kokomo Area Special Education Cooperative violated:

511 IAC 7-27-3 by failing to have the required participants at the case conference committee (CCC) meeting convened on November 21, 2003.

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically, failing to conduct a pre-test/post-test.

511 IAC 7-21-2(a) by failing to ensure that all personnel employed by the school to provide special education are appropriately licensed.

FINDINGS OF FACT:

1. The Student is sixteen years old and is eligible for special education and related services due to a mild mental disability and communication disorder. The Student transferred to the local high school (the School) in November 2003.
2. The Complainant alleges that a speech therapist should have been in attendance at the CCC meeting convened on November 21, 2003. There was no requirement to have a speech therapist present at this CCC meeting. Documentation shows that all other required participants were present. The Student was found eligible for special education as a student with a communication disorder at the March 11, 2004, CCC meeting as a result of an independent educational evaluation (IEE) completed on February 10, 2004. Two speech therapists were in attendance at the March 11, 2004, CCC meeting.
3. No documentation exists regarding a CCC agreement to conduct a pre-test and/or a post-test. The Student's IEP does not contain a statement regarding a pre-test or post-test.
4. The Complainant alleges that one of the Student's teachers at the previously attended school has an expired teaching license. The most recent copy of this teacher's license indicates that a limited license to teach seriously emotionally handicapped special education students was issued September 22, 2003, and will expire on June 30, 2004. The application for this limited license was verified by the Superintendent on August 26, 2003. According to the State of Indiana's Rules and Policy governing the issuance of limited licenses, the application for a limited license must be initiated by the superintendent no later than six weeks after the teacher begins service in the area of request.

CONCLUSIONS:

1. Finding of Fact #2 indicates that there was no requirement to have a speech therapist in attendance at the CCC meeting convened on November 21, 2003. All other required participants were present. Therefore, a violation of 511 IAC 7-27-3 is not found.
2. Finding of Fact #3 indicates that there never was a CCC agreement or provision in the Student's IEP regarding a pre-test and/or a post-test. Therefore, a violation of 511 IAC 7-27-7(a) is not found.
3. Finding of Fact #4 indicates that the Student's teacher in question has a valid limited license to teach special education. Therefore, a violation of IAC 7-21-2(a) is not found.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.